REMARKS

Claims 1-24 are pending. Claims 1-24 are rejected. Claims 13 and 20 have been amended. No new matter has been added.

35 U.S.C. 112 Rejections

Claims 2-4 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claim 2 recites the limitation "said system call requesting said memory allocation." Applicants respectfully traverse the 112 rejection to Claims 2-4. Applicants respectfully point out that sufficient antecedent basis for "said system call" is found in Claim 2 ("receiving a system call for a system firmware feature") and sufficient antecedent basis for "said memory allocation" is found in Independent Claim 1 ("reserving a portion of said writeable memory location comprising a memory allocation for said firmware module and an additional memory allocation"). As such, Applicants request the 112 rejection to Claims 2-4 be removed for this rational.

Claim 13 contains a trademark name. Claim 13 has been amended to overcome this rejection. As such, Applicants request the 112 rejection to Claim 13 be removed.

The Office Action states that Claim 18 recites the limitation "said intercepting." Applicants assume that the Examiner intended to reject Claim 20 and not Claim 18, since Claim 20 recites this limitation and not Claim 18. Applicants have amended Claim 20 to overcome the 112 rejection. As such, Applicants request the 112 rejection to Claim 18 (20) be removed.

35 U.S.C. 102 Rejections

Claims 1-3, 8-14 and 18-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Cepulis et al. (U.S. Patent Application Publication No. 2004/0123092), hereafter referred to as Cepulis. The rejection is respectfully traversed for the following rational.

Applicants have reviewed the Cepulis reference and assert that Cepulis <u>fails to teach or suggest</u> "relocating a firmware module from a read-only memory location to a writeable memory location during a system boot-up operation," as claimed in Independent Claim 1. Independent Claims 8 and 18 recite similar limitations.

Cepulis may purport to teach partitioning hardware to run multiple operating systems, however, Cepulis <u>fails to teach or suggest</u> "relocating a firmware module from a read-only memory location to a writeable memory location during a system boot-up operation," as claimed. In paragraph 17, Cepulis teaches "the computer system may have the capability of logically partitioning the computer resources and then executing multiple operating systems, one in each partition." This is very different from "relocating a firmware module from a read-only memory location to a writeable memory location during a system boot-up operation," as claimed.

For this rational, Independent Claims 1, 8 and 18 are not anticipated by Cepulis. Claims 2 and 3 depend from Independent Claim 1, Claims 9-14 depend from Independent Claim 8 and Claims 19-22 depend from Independent Claim 18. As such, Claims 1-3, 8-

14 and 18-22 are not anticipated by Cepulis and Applicants respectfully request allowance of these claims in light of the rational presented above.

Claims 1, 8 and 18 are rejected under U.S.C. 102(e) as being anticipated by Malek et al. (U.S. Patent No. 6,611,912), hereinafter referred to as Malek. The rejection is respectfully traversed for the following rational.

Applicants have reviewed the Malek reference and assert that Malek <u>fails to teach or suggest</u> the limitations of the present invention as claimed in Independent Claims 1, 8 and 18. Specifically, Applicants assert that Malek <u>fails to teach or suggest</u> "relocating a firmware module from a read-only memory location to a writeable memory location during a system boot-up operation," as claimed. Malek purports to teach in column 2, lines 33-40 "the present invention provides a process and means for enumeration of multiple devices/functions on a riser card.......This is accomplished by creating a virtual add-on ROM that the BIOS will detect naturally."

Malek further teaches in 404 of Figure 4 "ROM contents are shadowed into main memory." Shadowing contents is very different from "relocating a firmware module from a read-only memory location to a writeable memory location during a system boot-up operation," as claimed. With the present invention, the firmware is <u>relocated</u> and not <u>shadowed</u>, as with Malek. For this rational, Claims 1, 8 and 18 are not anticipated by Malek. Applicants respectfully request allowance of Claims 1, 8 and 18.

<u>35 U.S.C. 103 Rejections</u>

Claims 5-7, 15-17 and 23-25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Malek in view of Fish (U.S. Patent No. 6,199,159), hereinafter referred

to as Fish. The rejection is respectfully traversed for the following rational.

As stated above, with Malek, shadowing contents is very different from

"relocating a firmware module from a read-only memory location to a writeable memory

location during a system boot-up operation," as claimed. With the present invention, the

firmware is <u>relocated</u> and not <u>shadowed</u>, as with Malek. Fish fails to remedy the

deficiencies of Malek. Specifically, Fish fails to teach or suggest "relocating a firmware

module from a read-only memory location to a writeable memory location during a

system boot-up operation," as claimed. For this rational, Claims 5-7, 15-17 and 23-25 are

patentable over Malek in view of Fish. Applicants respectfully request allowance of

Claims 5-7, 15-17 and 23-25.

Conclusion

In light of the above-listed amendments and remarks, Applicants respectfully request allowance of the remaining Claims.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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